

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In Re:

**Michael Andrew Pewarchie III
Janice Katherine Pewarchie**

Case No. 10-47115-swr
Chapter 13
Judge Rhodes

Debtors

1ST NOTICE OF POST CONFIRMATION PLAN MODIFICATION

NOW COMES Debtors, Michael and Janice Pewarchie, by and through their attorneys, GUDEMAN AND ASSOCIATES, PC, and proposes the following post-confirmation Plan modifications:

1. Excuse the 2010 Federal Tax Refund in the amount of \$3,573.00. In the event the trustee receives the 2010 Federal Refund, the trustee shall refund to Mr. and Mrs. Pewarchie the amount of \$3,573.00 from the first available funds.
2. Excuse a portion of the 2011 Federal Tax Refund in the amount of \$2,304.09.
3. The excused portion of the 2011 Federal Tax Refund in the amount of \$2,304.09 shall be credited to Mr. and Mrs. Pewarchie case as regular plan payments to address a portion of the total plan payment deficiency.
4. The balance of the plan payment deficiency in the amount of \$3,061.14 shall be excused.
5. A proposed Certificate of No Response outlining the terms of this modification is attached as **Exhibit A**.

In support of this Post-Confirmation Plan Modification Debtor state the following:

6. Mr. and Mrs. Pewarchie's Chapter 13 Case was confirmed pursuant to the Court's order dated 31, July 2010.

7. Since the confirmation of the case Mr. and Mrs. Pewarchie have both suffered serious medical issues, which have resulted in significant out of pocket medical expenses. In June 2012, Mr. Pewarchie was hospitalized to have a tumor removed from his kidney. Mrs. Pewarchie was hospitalized in August for serious health issues and is still being treated for health issues associated with that hospitalization. Schedule J does provide for a monthly amount towards medical and dental, however the Debtors continue to receive medical bills daily in association with initial treatments as well as for the ongoing medical care during Mrs. Pewarchie's recuperation. Additionally, the Debtors had a State Tax liability in the amount of \$397.27. As such, Mr. and Mrs. Pewarchie requests that the 2010 Federal Refund in the amount of \$3,573.00 be excused in its entirety to help defray the out of pocket costs for previous and current medical expenses and the State Income tax liability.
8. Mr. and Mrs. Pewarchie currently have a plan payment deficiency in the total amount of \$5,365.23. A portion of this amount is due to a missed bi-weekly plan payment for June 2012, and a missed bi-weekly plan payment for July 2012.00. These missed plan payments occurred during the period of hospitalization and recuperation of Mr. Pewarchie for his surgery to remove a tumor from his kidney. During that time, he did not receive regular pay checks. Debtors seek to excuse these 2 plan payments totaling \$3,061.14 as requiring Mr. and Mrs. Pewarchie to make these up will cause undue hardship and could jeopardize a successful completion and discharge of their case.
9. The balance of the plan payment deficiency in the amount of \$2,304.09 occurred early on in the case due to the late start of Mr. Pewarchie's payment order. The payment order was entered with the Court on 3/26/2010 and the Trustee served it, as required per Local

Bankruptcy Rule 1007 (2) on 3/29/2012. In addition, there were plan payment changes within the True Copy Order Confirming Plan dated 7/31/2010. The Trustee sent out letters to the employer for these changes, however, the payroll deduction for the first payment change never took effect, and the deduction for the second payment change was delayed. Based upon this, Mr. and Mrs. Pewarchie seeks to excuse a portion of the 2011 Federal Refund which has posted on the Trustee records on 4/16/2011 in the amount of \$2,304.09, and that the Trustee adjust her records to account for these monies as regular plan payments. This would allow some much needed relief to Mr. and Mrs. Pewarchie during this stressful period due to the significant medical issues they have experienced this year.

10. Mr. and Mrs. Pewarchie maintain a modest to slim budget and despite the current plan payment deficiency they have a pay history of 94+%, having paid in \$97,367.74 as of this date. Their plan is running timely and may provide a greater dividend to the Class 8 General Unsecured creditors even with the excusal of the plan payment deficiency. No increase is being offered to these creditors, as by virtue of the plan as confirmed, the Trustee has the authority to make discretionary increases to these creditors based upon periodic reviews of the file.
11. Counsel for Debtors has forwarded proof of the out of pocket medical expenses and the State Income Tax liability to the trustee under separate cover.
12. This modification does adversely affect the Class 8 General Unsecured creditors to the extent that shall not receive benefit of the 2010 Federal Refunds in its entirety. The plan in all other respects remains unchanged.
13. Additionally this proposed Plan Modification will not be adversely affected by Debtors'

counsel's fees as pre-Confirmation attorney's fees and fees for this modification or other necessary post-confirmation review have been estimated in the amount of \$3,500.00 and included in the Plan calculation. A copy of the Plan Calc is attached as **Exhibit B**. A copy of the corrected Liquidation Analysis is attached as **Exhibit C** and the Chapter 13 Plan's Worksheet is attached as **Exhibit D**.

/s/ Edward J. Gudeman

Edward J. Gudeman (P14454)
GUDEMAN & ASSOCIATES, PC
26862 Woodward Ave., Suite 103
Royal Oak, MI 48067

/s/ Michael Andrew Pewarchie III

Michael Andrew Pewarchie, Debtor

/s/ Janice Katherine Pewarchie

Janice Katherine Pewarchie, Debtor

Dated: 8, October 2012

Exhibit A

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
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Exhibit A

**CERTIFICATE OF NO RESPONSE TO:
PROPOSED PLAN MODIFICATION**

Edward J. Gudeman, being first duly sworn, deposes and says that I am the attorney for the above named Debtor(s); that notices were mailed out to the debtor, Trustee, and all parties on the matrix on (XXXXX), regarding the Proposed Plan Modification and no objections have been properly filed with the Court.

WHEREFORE, the Chapter 13 Plan shall be modified as follows:

1. The 2010 Federal Tax Refund in the amount of \$3,573.00 is excused. In the event the trustee receives the 2010 Federal Refund, the trustee shall refund to Mr. and Mrs. Pewarchie the amount of \$3,573.00 from the first available funds.
2. \$2,304.09 of the 2011 Federal Tax Refund is excused.
3. The excused portion of the 2011 Federal Tax Refund in the amount of \$2,304.09 shall be credited to Mr. and Mrs. Pewarchie case as regular plan payments to address a portion of the total plan payment deficiency.
4. The balance of the plan payment deficiency in the amount of \$3,061.14 shall be excused.
5. The plan in all other respects remains unchanged.

Dated: (XXXXXX)

/s/ Edward J Gudeman
Edward J. Gudeman (P14454)
Attorney for Debtors
26862 Woodward Ave
Suite 103
Royal Oak, MI 48067
(248)546-2800
ecf@gudemanlaw.com

EXHIBIT C

N. LIQUIDATION ANALYSIS AND STATEMENT OF VALUE OF ENCUMBERED PROPERTY [LBR 3015-1(b)(1)]:

TYPE OF PROPERTY	FAIR MARKET VALUE	LIENS	DEBTOR'S SHARE OF EQUITY	EXEMPT AMOUNT	NON-EXEMPT AMOUNT
PERSONAL RESIDENCE	90,000.00	134,951.62	0.00	0.00	0.00
VEHICLES	20,000.00	42,102.70	0.00	0.00	0.00
HHG/PERSONAL EFFECTS	3,580.00	0.00	3,580.00	3,580.00	0.00
JEWELRY	0.00	0.00	0.00	0.00	0.00
CASH/BANK ACCOUNTS	0.00	0.00	0.00	0.00	0.00
OTHER	13,643.96	0.00	13,643.96	13,643.96	0.00

Amount available upon liquidation.....	\$	0.00
Less administrative expenses and costs	\$	0.00
Less priority claims.....	\$	9,196.10
Amount Available in Chapter 7	\$	0.00

/s/ Edward J. Gudeman

Edward J. Gudeman P14454

Attorney for Debtor

Gudeman & Associates, PC

26862 Woodward Ave.

Suite 103

Royal Oak, MI 48067

ejgudeman@gudemanlaw.com

248.546.2800 Fax:248.546.2808

Phone Number

/s/ Michael Andrew Pewarchie III

Michael Andrew Pewarchie, III

Debtor

/s/ Janice Katherine Pewarchie

Janice Katherine Pewarchie

Joint Debtor

4, October 2012

Date

EXHIBIT D

WORKSHEET

1. Length of Plan is _____ weeks; 33 months; _____ years.
- Debtor #1:
2. \$ 1,530.57 per pay period x ^(72)Bi-WEEKLY pay periods per Plan = \$ 109,435.91 total per Plan
- Debtor #2:
- \$ _____ per pay period x ^()_____ pay periods per Plan = \$ _____ total per Plan
3. \$ 1,530.57 per period x 72 periods in Plan = \$109,435.91
4. Lump Sums: \$1,544.09
5. Equals total to be paid into the Plan \$110,980.00
6. Estimated trustee's fees \$11,098.01
7. Attorney fees and costs \$3,500.00
8. Total priority claims \$9,533.33
9. Total installment mortgage or other long-term debt payments \$44,829.18
10. Total of arrearage including interest \$0.00
11. Total secured claims, including interest \$3,985.26
- Total of items 6 through 11 \$ 72,945.77
12. Funds available for unsecured creditors (item 5 minus item 11) \$ 38,034.23**
13. Total unsecured claims (if all file) \$ \$124,879.80
14. Estimated percentage to unsecured creditors under Plan (item 12 divided by item 13) 20%**
15. Estimated dividend to general unsecured creditors if Chapter 7, (see liquidation analysis attached) \$ 0.00

COMMENTS: ** Plan was confirmed at 20%. It will possibly yield a greater dividend, but same is not offered in modification as pursuant to the terms of the plan, the trustee may adjust the Class 8 Creditors upon regular periodic reviews.

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Notice of Deadline to Object to Proposed Chapter 13 Plan Modification

The deadline to file an objection to the attached proposed Chapter 13 Plan Modification is **21 days** after service.

If no timely objection is filed, the proponent of the plan modification may file a certificate of no objection and the modified plan will then become effective.

If a timely objection is filed, the Court will set the matter for hearing and give notice of the hearing to the debtor, the proponent of the plan modification, the trustee and any objecting parties. In that event, the plan modification will become effective when the Court enters an order overruling or resolving all objections.

Objections to the attached proposed chapter 13 plan modification shall be served on the following:

Edward J. Gudeman (P14454)
GUDEMAN & ASSOCIATES, PC
26862 Woodward Ave., Suite 103
Royal Oak, MI 48067

Krispen S. Carroll
Chapter 13 Trustee
719 Griswold
1100 Dime Building
Detroit, MI 48226

/s/ Edward J. Gudeman

Edward J. Gudeman (P14454)
GUDEMAN & ASSOCIATES, PC
26862 Woodward Ave., Suite 103
Royal Oak, MI 48067

Date: 8, October 2012

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
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PROOF OF SERVICE

Elizabeth Koyle certifies that on 8, October 2012 she did serve a copy of Debtors' **1ST NOTICE OF POST-CONFIRMATION PLAN MODIFICATION and PROOF OF SERVICE** upon the following parties by depositing same in a United States postal receptacle, with the lawful amount of postage affixed thereto, addressed to:

SEE ATTACHED MATRIX

/s/ Elizabeth Koyle
GUDEMAN & ASSOCIATES, PC
26862 Woodward Ave., Suite 103
Royal Oak, MI 48067
(248) 546-2800

Label Matrix for local noticing
0645-2
Case 10-47115-swr
Eastern District of Michigan
Detroit
Thu Oct 4 08:47:14 EDT 2012

Allied Interstate
3000 Corporate Exchange Dr 5th floor
Columbus, OH 43231-7723

Ann Arbor Credit Bureau Inc.
PO BOX 7820
Ann Arbor, MI 48107-7820

CANDICA L.L.C.
C O WEINSTEIN AND RILEY, PS
2001 WESTERN AVENUE, STE 400
SEATTLE, WA 98121-3132

Capital One Auto Finance
P.O. Box 201347
Arlington, TX 76006-1347

CareCentrix
PO BOX 277947
Atlanta, GA 30384-7947

CitiMortgage, Inc.
P O Box 6941
The Lakes, NV 88901-6941

City of Warren
One City Square
Suite 200
Warren, MI 48093-2395

Creditors Interchange
80 Holtz Drive
Buffalo, NY 14225-1470

Frederick J. Hanna & Associates, P.C.
1427Roswell Rd
Marietta, GA 30062-3668

AMCA Collection Agency
2269 S. Saw Mill River Rd Bldg 3
Elmsford, NY 10523-3848

(p)AMERICREDIT
PO BOX 183853
ARLINGTON TX 76096-3853

Best Buy
P.O. Box 15521
Wilmington, DE 19850-5521

CR Evergreen, LLC
MS 550
PO Box 91121
Seattle, WA 98111-9221

Capital One Auto Finance, c/o Ascension Capi
P.O. Box 201347
Arlington, TX 76006-1347

Chase
800 Brooksedge Blvd.
Westerville, OH 43081-2822

CitiMortgage, Inc.
PO Box 688971
Des Moines, IA 50368-8971

City of Warren Water Division
Ste. 420
One City Square
Warren, MI 48093-5288

Extra Credit Union
6611 Chicago Road
Warren, MI 48092-1685

GMAC Mortgage
P.O. Box 9001719
Louisville, KY 40290-1719

Alliance of Home Care Physicians
28730 Harper
Saint Clair Shores, MI 48081-1250

Americredit
801 Cherry Street
Suite 3500
Fort Worth, TX 76102-6854

Buckles & Buckles PLC
PO BOX 1150
Birmingham, MI 48012-1150

Capital One
P.O. Box 30285
Salt Lake City, UT 84130-0285

Capital One Bank (USA), N.A.
by American Infosource Lp As Agent
PO Box 71083
Charlotte, NC 28272-1083

Chrysler Financial Services Americas LLC
c/o Shermeta, Adams & Von Allmen, P.C.
P.O. Box 80908
Rochester Hills, MI 48308-0908

Citimortgage
P.O. Box 689196
Des Moines, IA 50368-9196

Credit Collection Servcies
Two Wells Ave Dept. 7249
Newton Center, MA 02459-3208

Extra Credit Union
c/o Butler, Butler & Rowse-Oberle PLLC
24525 Harper Ave. Ste. 2
St. Clair Shores, MI 48080-1286

GMAC Mortgage LLC.
3451 Hammond Ave.
Waterloo, IA 50702-5300

GMAC Mortgage LLC.
c/o Schneiderman & Sherman
23938 Research Drive Suite 300
Farmington Hills, MI 48335-2605

GS Services Limited Partnership
6330 Gulfton
Houston, TX 77081-1108

Global Credit & Collection Corp
300 International Drive
Buffalo, NY 14221-5781

HHCC Gerogiam East
21404m Mack Ave
Grosse Pointe, MI 48236

HSBC
Department 9600
Carol Stream, IL 60128-0001

HSBC Bank Nevada, N.A.
by PRA Receivables Management, LLC
PO Box 12907
Norfolk VA 23541-0907

HSBC Card Services
PO BOX 5222
Carol Stream, IL 60197-5222

Hoover medical Clinic
31690 Hoover Rd
Warren, MI 48093-7653

IC System Inc
444 Highway 96 East
PO BOX 64887
Saint Paul, MN 55164-0887

IPC of Michigan
PO BOX 513416
Los Angeles, CA 90051-3416

(p)INTERNAL REVENUE SERVICE
CENTRALIZED INSOLVENCY OPERATIONS
PO BOX 7346
PHILADELPHIA PA 19101-7346

Island National Group LLC
PO BOX 18009
Hauppauge, NY 11788

JC Penny
PO BOX 960090
Orlando, FL 32896-0090

Juniper
Card Services
P.O. Box 13337
Philadelphia, PA 19101-3337

LTD Financial Services LP
7322 Southwest Freeway, Ste 6100
Houston, TX 77074-2010

Law Offices of Thomas Landis, Esq
Four Greenwood Square Suite 220
3325 Street Rd
Bensalem, PA 19020-2021

Law offices of Joe Pezzuto LLC
4013 E. Broadway Suite 2A
Phoenix, AZ 85040-8818

Medical Financial Solutions
PO BOX 71585
Madison Heights, MI 48071-0585

Michigan Department of Treasury
P.O. Box 77000
Detroit, MI 48277-2000

Midland Credit Management, Inc.
8875 Aero Drive, Suite 200
San Diego, CA 92123-2255

NCO Financial Systems
507 Prudential Road
Horsham, PA 19044-2368

Northstar Location Services LLC
4285 Genesee St
Buffalo, NY 14225-1943

OMG Madison Heights
27301 Dequindre Suite 314
Madison Heights, MI 48071-3459

Oakland Macomb Surgical Group
27483 Dequindre #301
Madison Heights, MI 48071-5715

PRA Receivables Management, LLC
As Agent Of Portfolio Recovery Assocs
POB 12914
NORFOLK VA 23541-0914

(p)PORTFOLIO RECOVERY ASSOCIATES LLC
PO BOX 41067
NORFOLK VA 23541-1067

Professional Recovery Services Inc.
PO BOX 1880
Voorhees, NJ 08043-7880

Quest Diagnostics
PO BOX 740020
Cincinnati, OH 45274-0020

Redline Recovery Services LLC
11675 Rainwater Dr Ste 350
Alpharetta, GA 30009-8693

Schoenherr Medical Association
27101 Schoenherr Rd
Warren, MI 48088-4730

Sentry Credit Inc.
2809 Grand Ave
Everett, WA 98201-3417

St. John Farmbrook Medical
PO BOX 67000
Detroit, MI 48267-1841

St. John Macomb - Oakland Hospital
3123 Solutions Center
Chicago, IL 60677-3001

Sunrise Credit Services Inc.
PO BOX 9100
Farmingdale, NY 11735-9100

This is a Medical Bill
PO BOX 938
Dillon, CO 80435-0938

U.S. Attorney
Atten: Civil Division
211 W. Fort Street
Suite 2001
Detroit, MI 48226-3220

U.S. Department of Education
OP BOX 530260
Atlanta, GA 30353-0260

U.S. Trustee
211 W. Fort Street
Room 743
Detroit, MI 48226-3263

US DEPT OF EDUCATION
DIRECT LOAN SCG
PO BOX 5609
GREENVILLE, TX 75403-5609

Ved P Singla Md Pc
11900 E. 12 Mile Rd
Suite 204
Troy, MI 48083

World Financial Network National Bank
PO BOX 182125
Columbus, OH 43218-2125

Edward J. Gudeman
26862 Woodward Ave.
Suite 103
Royal Oak, MI 48067-0958

Janice Katherine Pewarchie
15124 Chippewa
Warren, MI 48088-2090

Krispen S. Carroll
719 Griswold
1100 Dime Building
Detroit, MI 48226

Michael Andrew Pewarchie III
15124 Chippewa
Warren, MI 48088-2090

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

AmeriCredit Financial Services, Inc
PO BOX 183853
Arlington, TX 76096

IRS
PO BOX 21126
Philadelphia, PA 19114

(d)Internal Revenue Service
P.O. Box 21126
Philadelphia, PA 19114

Portfolio Recovery
120 Corporate Blvd.
Suite 1
Norfolk, VA 23502

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Extra Credit Union f/k/a Metro Credit Unio

(u)GMAC Mortgage LLC.

(u)State of Michigan Department of Treasury

(u) Ameri Credit

(d) PRA Receivables Management, LLC
As Agent Of Portfolio Recovery Assocs.
PO Box 12914
NORFOLK VA 23541-0914

End of Label Matrix	
Mailable recipients	74
Bypassed recipients	5
Total	79